

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALISON VALENTE, JENNIFER)
BARLOW, KATHRYN MONROE, SOPHIA)
SMITH, STEPHANIE LEBEAU on)
behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

INTERNATIONAL FOLLIES, INC.,)
d/b/a THE CHEETAH and WILLIAM)
HAGOOD,)

Defendants.)

CIVIL ACTION FILE NO.

1:15-CV-02477-ELR

DEPOSITION OF

ROBERT 'BOB' JOHNSON

OCTOBER 23, 2017

4:32 p.m.

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I N D E X

WITNESS: ROBERT 'BOB' JOHNSON

EXAMINATION

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PLAINTIFF'S EXHIBITS

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(Exhibit 4 marked originally in the deposition of
Holly Wood, October 23, 2017.)

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(Reporter disclosure made pursuant to
Article 10.B of the Rules and Regulations of
the Board of Court Reporting of the Judicial
Council of Georgia.)

* * *

Deposition of ROBERT 'BOB' JOHNSON

OCTOBER 23, 2017

WHEREUPON:

ROBERT 'BOB' JOHNSON,
having been first duly sworn, was examined and
testified as follows:

EXAMINATION

BY MR. DUDLEY:

Q Your name is Robert Johnston or is it
Johnson?

A Johnson.

Q You go by Bob?

A Yes, sir.

Q My name is Ainsworth Dudley. I represent
a number of former and current entertainers at
Cheetah, and they have filed arbitrations, and there
is a collective action pending, and I'm here today to
talk to you about their claims.

My understanding is that you have given a
deposition before in a Title VII case brought by

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1 Alison Valente; is that right?

2 A Yes.

3 Q Other than that deposition, have you ever
4 been deposed before on behalf of Cheetah?

5 A No.

6 Q You've worked for Cheetah since 1990?

7 A Yes.

8 Q You initially were a floorman?

9 A Yes.

10 Q And you are currently the night manager,
11 correct?

12 A Yes.

13 Q And as night manager you oversee
14 operations during the night shift; is that right?

15 A Yes, sir.

16 Q The only person you answer to is Jack
17 Braglia; is that right?

18 A Yes.

19 Q Other than that, you're the highest
20 authority on the premises, unless Jack is there or Mr.
21 Hagood, right?

22 A Correct.

23 Q Do you still take orders from Mr. Hagood
24 or is he not involved in the process?

25 A Pretty much not involved.

1 Q But he does show up occasionally at the
2 club?

3 A Yes.

4 Q Can you tell me roughly when you became
5 night manager?

6 A Maybe 10 years ago, maybe nine.

7 Q So somewhere around 2007, 2008?

8 A Yeah, give or take a year.

9 Q Can you tell me what your duties as night
10 manager are?

11 A I supervise any operations, front of the
12 house, associated with customers' interaction with
13 guests, entertainers, service staff, front door. I'm
14 usually not involved in the kitchen. We have two
15 kitchen managers that deal with the kitchen guys, but
16 I'm pretty much supervising the front of the house
17 operations at night.

18 Q How do your duties differ from what a
19 floor manager does?

20 A Well, I'm kind of still head of security,
21 and I still get in with asking people to leave. If
22 there's an issue with a customer, I'm usually the
23 person to speak with them and decide whether or not we
24 escort them out or not.

25 Q So the overlap in responsibilities, is

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1 that you're head of security, and you still deal with
2 issues with customers?

3 A Yes, sir.

4 Q Any other overlap of your duties as a
5 night manager with duties of a floor manager?

6 A Yes. I still would consider myself a
7 bouncer and manager, if that's what you are asking.

8 Q That's what I'm asking. What is the
9 overlap? What are you doing that a floor manager
10 does?

11 A I stand and spot problems. Looking around
12 for customers doing something wrong.

13 Q Anything else that you do as a night
14 manager that a floor manager does?

15 A Greet customers, seat customers.

16 Q Anything else?

17 A Other than escorting people out, that's
18 pretty much it.

19 Q What's the normal process for greeting and
20 seating customers?

21 A I'm not following you.

22 Q Who normally does that?

23 A We usually have a floorman posted at the
24 front of the room.

25 Q All right. And this person will --

10

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1 typically, will greet the customers and seat them,
2 correct?

3 A Yes.

4 Q How many floormen are under you doing
5 that?

6 A Four.

7 Q All right. So is there one particular
8 floorman that usually does that or are they all doing
9 it?

10 A We have, counting myself, three people on
11 the main floor.

12 Q Okay.

13 A So there's usually someone at the point
14 greeting customers, whether it's two of the other guys
15 or myself.

16 Q Who typically does it?

17 A The floorman that's posted in the front of
18 the room.

19 Q And how much of your time is spent doing
20 that, would you say, greeting and seating customers?

21 A A lot.

22 Q Can you give me some idea?

23 A 20 percent of the night.

24 Q Floormen typically escort people out who
25 are causing problems in the club?

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1 A Yes.

2 Q Sometimes you will help them with that?

3 A Yes.

4 Q All right. And how often do y'all have to
5 escort somebody out?

6 A Every night.

7 Q Every night?

8 A couple of people or how many would you
9 say?

10 A Yeah, a couple -- two to five.

11 Q All right. How many people will typically
12 escort somebody out who is causing a problem?

13 A I didn't understand your question.

14 Q Well, how many floormen would typically
15 escort out a person who is causing a problem? Is that
16 normally something that --

17 A All of us.

18 Q So if a customer is causing a problem, all
19 four of y'all descend on him and escort him out?

20 A Yes. We call on the radio that there is
21 someone going.

22 Q Okay. And you, I guess, escorted him out
23 and called the police or what do you do?

24 A It depends on what's going on. We do have
25 to call the police occasionally if they refuse to

12

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1 leave --

2 Q Okay.

3 A -- but generally, no.

4 Q Okay. So it's an unusual case to call the
5 police. Normally, they will leave and there's no
6 problem?

7 A Correct.

8 Q And you would say that you estimate that
9 you escort a couple of people out a night, correct?

10 A Correct.

11 Q Is that the total number of people that
12 the club escorts out a night, or is that ones you're
13 involved in?

14 A That would be the club.

15 Q How many of those would you be involved
16 in?

17 A I'm involved in all of them.

18 Q All of them?

19 A Uh-huh.

20 Q What kind of issues with customers do you
21 involve yourself in, as opposed to, say, one of your
22 night managers?

23 A I'm not following you.

24 Q Well, you told me that you deal with
25 issues with customers?

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1 A Uh-huh.

2 Q And I read from your prior transcript that
3 you deal with some issues with chargebacks, right?

4 A Yes.

5 Q You handle that?

6 A Sometimes.

7 Q When do you handle it and when does
8 somebody else handle it?

9 A When Liz feels that she can't satisfy the
10 customers' questions, occasionally she will refer them
11 up to me, and I will speak with a customer.

12 Q Okay. But you deal with the customer
13 chargebacks, your floormen don't deal with customer
14 chargebacks, do they?

15 A No.

16 Q Okay. What sort of issues do you have --
17 do customers have at The Cheetah, other than
18 chargebacks?

19 A It's a wide variety. It could be my steak
20 is not cooked properly -- it could be anything. That
21 dancer took my money, she didn't dance for me. A
22 fight --

23 Q You're the person that everyone goes to
24 for those issues?

25 A I'm the problem guy.

1 Q All right. So if an entertainer has a
2 problem or a house mom has a problem or a floorman has
3 a problem or a customer has anything other than a very
4 trivial problem, they're going to come to you?

5 A Yes.

6 Q All right. What sort of problems would
7 the floormen handle without your participation?

8 A I have a floorman in the Executive Room
9 that helps with minor things, like -- that dancer
10 never came to dance for me. He can go find the
11 dancer, get her to come dance -- very minor things.

12 If there's ever a waitress that needs a
13 check voided or a split check, just something that's
14 simple to where it's swiping the manager card, he can
15 do that. But if there was an actual problem with the
16 computer, then they would call me. But minor customer
17 things, not -- he doesn't handle anything really
18 major.

19 Q So there are distinct differences between
20 what you will handle and what one of your floor
21 managers will handle?

22 A Yes.

23 Q Tell me what your floor managers spend
24 most of their time doing?

25 A Seating customers, finding dancers for

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1 customers, watching over the club, general security,
2 cleaning.

3 Q Let me make sure I understand how the
4 floormen operate at Cheetah.

5 You have a VIP area where there's a
6 floorman at a booth -- or desk, I guess you'd call it.
7 Do you have a name for it?

8 A The Executive Room.

9 Q But there's a -- when you come in there,
10 there's somebody at the podium or do you call it the
11 desk or what do you call it?

12 A We call it the host stand.

13 Q The host stand.

14 Is a floorman always there?

15 A No.

16 Q Who is normally maintaining that post, a
17 hostess or a floorman?

18 A A floorman.

19 Q All right. So a floorman is supposed to
20 be there?

21 A Not always. He has other duties, but
22 that's where he is when he's not busy greeting people.

23 Q Is there a floorman that's supposed to be
24 maintaining that position?

25 A The waitresses help him out with greeting

1 people at the host stand.

2 Q Okay. So one floorman or a waitress will
3 greet people?

4 A Yes.

5 Q And then there's a big room, what do you
6 call that -- the main room at Cheetah?

7 A Main room.

8 Q You call it the main room?

9 A (Nods head.)

10 Q And there's a lot going on in there,
11 right?

12 A Yes.

13 Q How many floormen would you have in that
14 room at a given time?

15 A Three, counting myself.

16 Q All right. So they're kind of looking
17 over the main room and making sure everything is --

18 A Yes.

19 Q -- operating smoothly?

20 A Yes.

21 Q Where else would the floormen typically be
22 at The Cheetah, other than those two places?

23 A Front door.

24 Q Front door. So is that a -- there's only
25 four of you guys, right?

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1 A Five.

2 Q Five. So one is at the front door?

3 A Yes.

4 Q One is at the VIP --

5 A Yes.

6 Q -- hostess spot. Two to three of them are
7 looking over the floor at any one time?

8 A Yes.

9 Q And that's pretty much standard procedure?

10 A Yes.

11 Q Where are you, usually?

12 A Everywhere.

13 Q All right. So you're walking around the
14 whole place while all of this is going on?

15 A Yes.

16 Q So that's three floormen in the room.
17 You're the -- would be the sixth guy?

18 A No.

19 Q You're the fifth guy?

20 A Yes.

21 Q Well, if you're walking around, it's kind
22 of hard to keep three in there in the main room --

23 A You're putting words in my mouth. I never
24 said there's always three floormen on the main floor.

25 Q And I understand that there's a certain

1 amount of movement -- that all of them may leave if
2 they're escorting somebody out, but typically how many
3 do you want in there? You have four floormen other
4 than yourself, so how many of those are in the main
5 room?

6 A I always want one pair of eyes, for sure,
7 on the main floor, no matter what's going on.

8 Q All right. Your floormen receive tips
9 every night; is that correct?

10 A Correct.

11 Q All right. And in your deposition you
12 testified that there is a \$15 minimum tip out for the
13 floor guys. That's a quote.

14 Is that a true statement?

15 A A suggested \$15 tip out, yes.

16 Q Well, let me read that to you again.
17 You testified that there was a \$15 -- and
18 you used the word "minimum tip out for the floor
19 guys."

20 Tell me what you meant by \$15 minimum tip
21 out?

22 MR. WARD: I'm going to object to the form
23 of this question as improper impeachment.

24 BY MR. DUDLEY:

25 Q You can answer.

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1 MR. WARD: I'll let you do it a couple of
2 times, but after that --

3 BY MR. DUDLEY:

4 Q Can you tell me what you meant by that?

5 A That's just the standard minimum that the
6 girls tipped out.

7 Q To the floormen as a group?

8 A Yes.

9 MR. WARD: May I see his testimony, under
10 the Doctrine of Completeness, which you have
11 quoted to him?

12 MR. DUDLEY: I'm going to read it to you,
13 and you tell me whether this is what you recall.

14 MR. WARD: No, he's entitled to see his
15 testimony.

16 MR. DUDLEY: I'll be glad to give it to
17 him. I can ask him what he testified to.

18 MR. WARD: No, you can't.

19 MR. DUDLEY: Kevin, I can do that, and if
20 he wants to see it, y'all can see it. You've
21 got the deposition.

22 MR. WARD: It is improper impeachment, and
23 we will go to the court on this.

24 MR. DUDLEY: You can object to the form of
25 the question, if you want to. I can ask him

1 what he recalls testifying to in his deposition.

2 MR. WARD: No, you can't. That is
3 improper impeachment.

4 BY MR. DUDLEY:

5 Q You were asked, to the best of your
6 understanding, did a floorman's pay include only tips
7 and their salary or their nightly shift fee back in
8 2009.

9 Do you remember somebody asking you that
10 question?

11 A Repeat it.

12 Q Do you remember Jim McDonough asking you
13 to the best of your understanding, did a floorman's
14 pay include only tips and their salary or their
15 nightly shift fee back in 2009.

16 Do you remember that question?

17 MR. WARD: So, again, I'm going to object
18 to the form of the question. It's improper
19 impeachment. It violates the Rules of Evidence.

20 MR. DUDLEY: Do you want to just have a
21 continuing objection on that?

22 MR. WARD: Well, I'm about to instruct him
23 not to answer.

24 MR. DUDLEY: I think that would be a
25 mistake, but you can do whatever you want.

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1 MR. WARD: Okay. So are you going to let
2 him see his testimony?

3 MR. DUDLEY: I'm going to -- he can look
4 at it as much as he wants to, but I'm going to
5 ask the question --

6 MR. WARD: So give us a copy of the
7 deposition --

8 MR. DUDLEY: You can do whatever you want
9 to do, Kevin. You're going to have a chance to
10 examine him, too. You can do whatever you want
11 to do.

12 MR. WARD: I'm going to object to the form
13 of the impeachment.

14 MR. DUDLEY: You've done that. You've
15 done that.

16 MR. WARD: I'm going to go to the judge if
17 you persist on violating this rule.

18 MR. DUDLEY: All right. Well, I'm going
19 to ask him whether he recalls being asked that
20 question. That's a perfectly appropriate
21 question.

22 MR. WARD: Not if you're relying on the
23 testimony without letting him see it.

24 MR. DUDLEY: I can ask the question. You
25 can make your objection. If you're right, it

1 won't come in. Okay?

2 MR. WARD: It's not a question of coming
3 in. It's a question of the way that you're
4 asking the questions when they violate the Rules
5 of Evidence.

6 MR. DUDLEY: Kevin, you've made the
7 objection.

8 MR. WARD: Okay. I'm telling you, I'm
9 taking this up.

10 MR. DUDLEY: You can take it up.

11 MR. WARD: We're going to stop.

12 MR. DUDLEY: You can take it up, and if
13 you feel like it's important enough to get the
14 judge on the line --

15 MR. WARD: It's important if that's the
16 way you're going to approach this.

17 MR. DUDLEY: Do you recall that question
18 being asked you?

19 THE WITNESS: Am I answering?

20 MR. WARD: He's asking you if you have a
21 present memory of that question being asked
22 when? What date?

23 MR. DUDLEY: April the 4th, 2017, by Jim
24 McDonough.

25 MR. WARD: Do you have a present memory of

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23

1 that?

2 THE WITNESS: No, not really. I mean, I
3 answered a lot of questions.

4 BY MR. DUDLEY:

5 Q Okay. Do you have a present memory of
6 responding: In 2009, there's a \$15 minimum tip out
7 for the floor guys from each dancer?

8 MR. WARD: Object and move to strike.

9 He is asking if you have a present
10 objection of your answer back in April.

11 THE WITNESS: Do I have an objection?

12 MR. WARD: No, do you have a present
13 recollection of your answer in April?

14 THE WITNESS: No. I mean, I don't know.
15 I haven't read my deposition.

16 MR. DUDLEY: If you don't recall it, you
17 don't recall.

18 MR. WARD: There you go.

19 BY MR. DUDLEY:

20 Q What does "minimum" mean to you?

21 A The less that they tip the -- the least
22 that they tip out.

23 Q Did the \$15 minimum tip-out policy change
24 in April 2016?

25 MR. WARD: Object to the form.

1 BY MR. DUDLEY:

2 Q You can respond.

3 A Yes.

4 Q How did it change?

5 A It went to a 10 percent tip pool.

6 Q Tell me how the 10 percent tip pool
7 worked.

8 A It's split up amongst all the floor staff,
9 myself and the DJs.

10 Q All right. So tell me the break up. How
11 much did the DJ get? How much did the floormen get?

12 A Half.

13 Q So 50 percent went to the DJ, and
14 50 percent went to the floormen; is that correct?

15 A Yes.

16 Q All right. What portion of the 50 percent
17 that went to the floormen did you get?

18 A A fifth.

19 Q All right. And is it always a fifth?

20 A Yes.

21 Q Are there ever less than five guys
22 handling floor responsibilities?

23 A Sometimes, if someone is out sick.

24 Q What would happen in that circumstance?

25 A Then it would be a fourth.

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1 Q Okay. And if there were three, it would
2 be a third, right?

3 A Third.

4 Q Okay. Did you keep records of the amounts
5 that you were tipped out by entertainers?

6 A No.

7 Q Do you have any records that would show me
8 what you or any of the floormen earned in tip outs
9 from entertainers?

10 A No.

11 Q You're an employee of Cheetah?

12 A Yes.

13 Q You were an employee of Cheetah during
14 this period of time before April the 9th, 2016?

15 A Yes.

16 Q You were an employee the entire time you
17 were a night manager?

18 A Yes.

19 Q Does Cheetah issue a W-2 now?

20 A To me?

21 Q Yeah.

22 A Yes.

23 Q Do you get a W-2?

24 A Yes.

25 Q Has that always been the case?

1 A Yes.

2 Q Is there an amount claimed as a tip on the
3 W-2?

4 A I claim one to 200 a night -- you mean
5 clocking out?

6 Q I'll get to that in a second, but I'm
7 talking about your W-2 form right now. Cheetah, at
8 the beginning of the year, gives you a W-2 for the
9 preceding year, correct?

10 A Correct.

11 Q And, on that W-2, does it show your
12 earnings from tips?

13 A No.

14 Q So there is a block, I'll represent to you
15 on a W-2 form, where you can put tips. There is no
16 amount for tips on the W-2 that Cheetah gives to you,
17 right?

18 A No.

19 Q So how did you keep up with your tips on,
20 say, a shift/weekly/yearly basis?

21 A You just kind of know in your head what
22 you're making each night.

23 Q You're pretty constant?

24 A Yeah.

25 Q Would you say that it's constant because

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1 entertainers -- the number of entertainers working at
2 night stays about the same?

3 A Uh-huh, yes.

4 Q And the amounts they tip stays about the
5 same?

6 A Yes.

7 Q And that figure would be \$15 per dancer?

8 A Yes.

9 Q Are floormen tipped by any other employees
10 or persons who work at Cheetah?

11 A Yeah, I think a waitress would tip them
12 out from time to time if they helped them with their
13 tables, busing or -- yeah.

14 Q Is that part of a tip pool?

15 A No.

16 Q So the entertainers are the only ones that
17 have a tip pool to pay floormen?

18 A Yes.

19 Q Customers sometimes tip for them?

20 A Yes.

21 Q DJs do not tip floormen, do they?

22 A No.

23 Q Before April the 9th, 2016, do you
24 remember how entertainer tips worked for house moms,
25 DJs -- other folks?

1 A I believe it was they generally gave 10 to
2 the house mothers between the two of them.

3 Q How do you know that?

4 A Because I've been there for 20-something
5 years, and you just hear it.

6 Q Okay. Is it your understanding that there
7 was a \$10 minimum for the house moms?

8 A There was a minimum, but that's generally
9 what the girls gave.

10 Q Are you saying they gave more than that?

11 MR. WARD: What?

12 BY MR. DUDLEY:

13 Q Did you say it's not a minimum, but that's
14 generally what they gave? Is that what you said?

15 A I'm saying that that was a suggested tip
16 for the house mothers, was \$10, but if a girl gave
17 more, they gave more. I'm sure it's happened, but I
18 don't know what they give.

19 Q Did they give less?

20 A Oh, yeah.

21 Q How do you know that?

22 A There's been many that give zero.

23 Q How do you know that?

24 A Because I hear it.

25 Q Hear it from who?

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1 A The house mothers and the dancers.
2 There's girls that come every night that say I can't
3 tip.

4 Q Before April the 9th, 2016, how did the
5 entertainers' tip out to the DJ work?

6 A 5 percent.

7 Q Was that a mandatory amount?

8 A Nothing was mandatory, and I think they
9 capped it at \$50.

10 Q How do you know that?

11 A Yet again, I've been there since 1990.
12 You hear what's going on.

13 Q Have you seen the tip-out sheet on the
14 wall in the dressing room?

15 A There is no tip-out sheet on the wall in
16 the dressing room.

17 Q There was at one time, wasn't there?

18 A There was a sliding scale on the desk at
19 one time.

20 Q And is that what you're referring to?

21 A I think that's what you're referring to.

22 Q Well, you were referring to something, so
23 I'm referring to that now. Is that what you were
24 referring to when you were testifying about the \$50
25 and the 5 percent?

30

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1 A Yeah.

2 Q That's where that comes from; is that
3 right?

4 A Yes.

5 Q Okay. Have you ever read Cheetah's
6 Entertainer Guidelines?

7 A Yes.

8 Q Have you read the parts dealing with tip
9 outs for floormen, house moms and DJs?

10 A I don't know if there is in there.

11 Q Do you recognize four?

12 MR. DUDLEY: Do you have the exhibits from
13 the last --

14 COURT REPORTER: I do.

15 (Discussion off the record.)

16 (Plaintiff's Exhibit 4 marked for
17 identification.)

18 THE WITNESS: This isn't what they give
19 them when they do their new-hire packet. This
20 is -- actually, no, I haven't read a lot of
21 this.

22 BY MR. DUDLEY:

23 Q How do you know what they're given in
24 their hiring packet?

25 A Because it's the same thing, I would

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1 imagine, that's in the waitress new-hire packet.

2 No, I've never read through this sheet.

3 Q Well, okay. I would ask you to turn to
4 Page 8.

5 A (Complies.)

6 Q Are you on Page 8?

7 A Uh-huh. Yes.

8 Q If you look at the first bullet point
9 called house mom tip out. Could you read the second
10 to the last sentence?

11 A "You can find the house moms' tip bucket
12 on her desk. Minimum for house moms is \$10. Please
13 remember you have two house moms."

14 Q If you were reading this, how would you
15 interpret that middle sentence, "Minimum for house
16 moms is \$10"?

17 MR. WARD: Objection and move to strike.

18 THE WITNESS: I would take it as they're
19 suggesting you tip \$10.

20 BY MR. DUDLEY:

21 Q You would take the language "Minimum for
22 house moms is \$10" to mean it's suggested that you pay
23 \$10?

24 A Yes.

25 Q Does "minimum" mean "at least" to you?

1 A Yes.

2 Q If you go to the preceding page,
3 Paragraph -- or Page 7.

4 MR. WARD: Can I just have a continuing
5 objection about this document that he's never
6 read before.

7 MR. DUDLEY: Yes. He's made that clear,
8 and I'm just asking him how he would interpret
9 it, which is an issue in the case.

10 BY MR. DUDLEY:

11 Q If you go to the last bullet point on
12 Page 7. Are you there?

13 A DJ?

14 Q Yeah. Do you see that part in the
15 parentheses?

16 A Yes.

17 Q Can you read that to me?

18 A "There's a tipping chart on the house
19 moms' desk if you are not sure what you should tip."

20 Q All right. The chart we're talking about
21 in this document is the same chart you and I just
22 talked about; is that correct?

23 A Yes.

24 Q Do you understand that that chart has at
25 the top, "Minimum of 5 percent"?

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1 Do you understand that?

2 A No.

3 Q You don't understand that chart to say
4 that?

5 A I couldn't tell you everything that chat
6 said, but I couldn't tell you with all certainly that
7 that chart said "minimum."

8 Q All right. If it said "Minimum of
9 5 percent," what would that mean to you?

10 MR. WARD: Object to the form; calls for
11 speculation.

12 THE WITNESS: It would mean you're
13 suggesting they tip out at least 5 percent.

14 BY MR. DUDLEY:

15 Q It wouldn't mean at least 5 percent?

16 A That's what I just said.

17 Q No, that's not what you said.

18 MR. WARD: Objection.

19 BY MR. DUDLEY:

20 Q Would it mean that to you?

21 A Yes.

22 Q At least 5 percent?

23 A Yes.

24 Q You have the power to discipline Cheetah
25 entertainers?

1 A Yes.

2 Q You have the power to discipline Cheetah
3 floormen?

4 A Yes.

5 Q You have the power to discipline other
6 Cheetah employees working night shift?

7 A Yes.

8 Q You have exercised that power?

9 A Yes.

10 Q And discipline includes a verbal
11 reprimand, suspension, termination, those sorts of
12 things, correct?

13 A Correct.

14 Q And, as I recall your earlier testimony in
15 deposition, you have the independent authority to fine
16 [sic]. You usually run it by Jack, but you have that
17 authority, correct?

18 A To fire?

19 Q Yes.

20 A Yes.

21 Q Are you aware of a policy at Cheetah at
22 one point where entertainers paid referral fees to
23 floor managers?

24 A Where they paid what, I'm sorry?

25 Q Referral fees to floor managers for

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1 referring VIP customers?

2 A That's not a policy.

3 Q All right. You acknowledge that that
4 happened at one point?

5 A Yes.

6 Q You disagree with me over whether that was
7 a Cheetah policy, correct?

8 A Yes.

9 Q All right. Can you tell me why you
10 disagree that that's a Cheetah policy?

11 A Because it wasn't. It was never asked of
12 anyone. Several girls started taking it upon
13 themselves to offer money to help them out.

14 Q Okay. Let's back up here a minute.

15 This was an arrangement to where the
16 floormen were getting 20 to 30 percent for referring
17 customers to entertainers?

18 MR. WARD: Object to the form.

19 THE WITNESS: I disagree that there's any
20 arrangement there. A girl comes and offers --
21 puts money in someone's hand and says to help
22 them out.

23 BY MR. DUDLEY:

24 Q So it's your contention that entertainers
25 had no arrangement with any floormen, including

1 yourself, to pay a referral fee?

2 A Correct.

3 Q All right. And it's your testimony that
4 if that happened it was solely because the entertainer
5 just handed the floorman the money for the referral?

6 A Yes.

7 Q There's no prior understanding between
8 them that there would be a referral fee changing
9 hands?

10 A No.

11 Q You know that that happened --
12 entertainers paying referral fees?

13 MR. WARD: Object to the form.

14 THE WITNESS: Yes.

15 BY MR. DUDLEY:

16 Q And the reason you know that is because
17 you shared in it, correct?

18 A Yes.

19 Q You got a cut of all the fees that an
20 entertainer paid to floormen for referring customers
21 to them, correct?

22 A (Nods head.)

23 Q What was your cut of that?

24 A Everything is split equally.

25 Q Okay. So if there were five floormen, it

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1 would be one-fifth or four it would be one-fourth?

2 A Yes.

3 Q Do you have records or are you aware of
4 any records existing that would show how much
5 entertainers paid in these referral fees?

6 A No.

7 Q Can you tell me what you recall these
8 referral fees being a shift, back when it was going
9 on?

10 A No.

11 Q Can you tell me how many girls were
12 involved in the process?

13 A On a nightly basis?

14 Q Sure.

15 A Several.

16 Q You don't disagree with the statement that
17 floormen were referring customers to girls and that
18 those girls were tipping them out for doing that?

19 A No, I don't disagree with that.

20 Q Are you aware of Cheetah maintaining
21 records of VIP check-in fees?

22 A No.

23 Q Tell me how you kept track of it.

24 A I never kept track of any VIP fees. That
25 was the --

1 Q Tell me what floormen were supposed to do
2 with respect to VIP check-in fees.

3 A We call it in to the house mother.

4 Q Okay. So if an entertainer checked in to
5 VIP, the floorman's responsibility or duty was to call
6 the house mom and tell her that so-and-so was checked
7 in?

8 A Yes.

9 Q And each time there was a renewal, the
10 floorman was supposed to call again and notify the
11 house mom, correct?

12 A No.

13 Q So how was it kept up with how many
14 check-ins there were?

15 A It's called in, and when the dancer is
16 done, they tell the floorman, I'm done, and then the
17 floorman calls to the house mother and says that
18 they're done.

19 Q Does that floorman tell the house mom how
20 many check-ins there were?

21 A I'm not following you.

22 Q Well, my understanding is that --
23 check-ins are done on a 30-minute or hour basis. If
24 it rolls over to another hour and 30 minutes or two
25 hours, there's another check-in charge.

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1 So, you cannot determine the check-in
2 unless you, I guess, notify the house mom how long
3 they're going to be in there.

4 A Right. But, as I said, they notify them
5 when they're done -- when they start and when they're
6 done, whether that's one hour or five hours. So when
7 a dancer says, I'm done, we're going to assume, if
8 it's five hours later, that she's been with that
9 person for five hours.

10 Q Do floormen write this down anywhere?

11 A I think actually Guy does in the Executive
12 Room sometimes.

13 Q Okay. But Cheetah's policy is to just let
14 the house mom know and let her deal with it?

15 A Correct.

16 MR. WARD: Look, it's obvious that we're
17 going to go past the time that I need to make
18 some calls. Can we take a break and let me make
19 some calls?

20 MR. DUDLEY: I'm really not going to take
21 long, but go ahead. We can take a short --

22 MR. WARD: Out of just respect for some
23 people with much more stature than me, I'd like
24 to let them know --

25 MR. DUDLEY: I don't want to get you in

1 trouble with anyone.

2 MR. WARD: I'm already in trouble, but --

3 (Short break.)

4 BY MR. DUDLEY:

5 Q I want to make sure I understood your
6 answer to my question earlier.

7 Were you aware that certain entertainers
8 were paying floor managers 20 percent or more of their
9 income in exchange for referring customers to those
10 entertainers?

11 MR. WARD: That's asked and answered,
12 yeah.

13 THE WITNESS: I don't really know where
14 this 20 percent thing came from, but to answer
15 you the best I can, I was aware that dancers
16 tipped floormen for help in VIP; but as far as
17 how much they were giving them -- to me this
18 whole 20 percent thing, I don't get it.

19 BY MR. DUDLEY:

20 Q What I'm asking you is: Did they do it in
21 exchange for the referral?

22 A Yes.

23 Q Okay. And this policy -- I know you deny
24 it's a policy -- this practice changed when?

25 A April of 2016.

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1 Q Okay. And just to be sure about this, you
2 took a portion of tips that were in exchange for a
3 referral?

4 A I took a portion of everything the
5 floormen make. It's pooled into one pool at the end
6 of the night and split up five ways.

7 Q And some of that is tips in exchange for
8 referring customers?

9 A Yes.

10 Q And yet you still contend that that's not
11 a Cheetah policy?

12 A It's not.

13 Q Even though the night manager is
14 participating in it, you say it's not a Cheetah
15 policy?

16 A It's not a policy.

17 Q Is that your policy or whose policy is it?

18 A It's no one's policy.

19 Q Was that policy investigated by anyone at
20 Cheetah?

21 A No.

22 Q The Cheetah didn't feel the need to look
23 into it and see whether things should be changed?

24 A No.

25 MR. WARD: I'm going to object to the

1 form.

2 BY MR. DUDLEY:

3 Q Do you know who stopped that policy?

4 A Mr. Hagood.

5 Q Why did he do that?

6 A You'd have to ask him.

7 Q What sort of things did you discipline
8 entertainers for?

9 A Usually dancing dirty, being caught with a
10 sex act. That's most of the things that I would
11 discipline an entertainer for.

12 Q Were you involved in the discipline of any
13 dancer for not getting a cover?

14 A No.

15 Q Were you involved in the discipline of any
16 dancer for not showing up for a cover?

17 A No.

18 Q Were you involved in the discipline of any
19 dancer for not tipping out enough?

20 A No.

21 Q If an entertainer told me that you
22 reprimanded her about not tipping out enough, that
23 would be an incorrect statement?

24 A Yes, it would.

25 Q What time does the club close down?

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1 A 2:45.

2 Q What time is the parking lot usually
3 clear?

4 A 3:05, 3:10.

5 Q What's the latest you ever recall it
6 taking to clear the parking lot?

7 A 3:15, 3:20.

8 Q If an entertainer works after 2:45, is it
9 Cheetah's policy to clear the lot before that
10 entertainer is allowed to leave?

11 A Repeat that, please.

12 Q If an entertainer is at work after 2:45,
13 is it Cheetah's policy to clear the lot before an
14 entertainer is allowed to leave?

15 A If they are driving, we request they wait
16 until we have all the guests off the lot, for their
17 safety.

18 Q Okay. Are you involved in the check-out
19 process that an entertainer goes through with the
20 floormen?

21 A No.

22 Q You're not involved in that at all?

23 A (Shakes head.) No.

24 Q What about before April the 9th, 2016?

25 A No.

1 Q Who handles that?

2 A The floormen's interaction with the
3 dancers' check out?

4 Q Yes.

5 A Various guys.

6 Q All floormen?

7 A They take turns.

8 Q What is it you understand they do during
9 this check-out process?

10 A One guy breathalyzes girls, one guy
11 collects money, one guy is outside in the lot, and one
12 guy is organizing all the money -- counting all the
13 money.

14 Q Counting what money?

15 A Their tips.

16 Q How long does it take to get all the girls
17 through that process?

18 A It's an ongoing process. They start
19 leaving as early as 10:00, sometimes, and then they
20 tip the various people, check out, breathalyze.

21 So when we -- if you're asking me from the
22 minute we close? Let me make sure I'm understanding
23 your question.

24 Q Well, let's say if an entertainer stays at
25 work until 2:45, and begins the check out after that

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1 time, how long does that process take for the
2 floormen?

3 A Depending on how long it takes the
4 entertainer to get dressed, they can be out right
5 after 3:00, as soon as the all-clear is given outside.

6 Q And then it could take as long as what?

7 A Yet again, some girls linger, hang around
8 waiting to pass a breathalyzer --

9 Q I'm not asking you what they're doing.
10 I'm just saying, how long it would take to go through?

11 A I'm trying to explain to you that's a
12 varied amount of time, depending on the entertainer,
13 depending on what they do. Sometimes they're
14 talking -- talking to their boyfriends, talking to
15 their friends. Sometimes they get dressed lickety
16 split and get out of dodge, but --

17 Q Well, just with the floormen they've got
18 to -- every girl that's driving you've got to do a
19 breathalyzer?

20 A Yes.

21 Q And they've got to pay you, right?

22 A Yes.

23 Q They have to be in line to do all those
24 things, right?

25 A Yes.

1 Q What else do they do with the floormen?

2 A That's it.

3 Q How long does that process take?

4 A Five, 10 minutes, depending on how many
5 girls are left at closing.

6 Q And then they have to do the same thing
7 with -- or something similar with the house mom?

8 A They don't really have a check out with
9 the house mom.

10 Q You're talking about now?

11 A Correct.

12 They go get dressed and they clock out.

13 Q Prior to April the 9th, 2016, they had to
14 go through a check-out process with the house mom,
15 too, right?

16 A Yes.

17 Q Do you know how long it takes a girl to
18 cash in Cheetah Bucks?

19 A No.

20 Q Is that --

21 A It depends on how many girls are in line.

22 Q It could take a while?

23 A Yeah, it could.

24 Q Do you know what these girls earn, on
25 average, a shift?

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1 A No.

2 Q What do you hear about that?

3 A Just a wide range.

4 Q You do -- or you've been involved in VIP
5 rooms for almost 27 years, right?

6 A Yes.

7 Q You're aware of entertainers making pretty
8 good money back in VIP, right?

9 A Yes.

10 Q Some of them could make a thousand, 2,000
11 a night, right?

12 A Yes.

13 Q Not uncommon?

14 A No.

15 MR. DUDLEY: I don't think I have anything
16 else. Do you guys want to talk for a brief
17 second?

18 MR. BERNEY: I just have a couple of quick
19 questions.

20 EXAMINATION

21 BY MR. BERNEY:

22 Q Mr. Johnson, I'm Chris Berney. I
23 represent some of the other claimants in arbitrations.

24 You were talking about, with Mr. Dudley,
25 the floormen at the end of the night procedure that

1 there were -- there's one floorman that collects the
2 money and another one that counts it. Are those
3 roles -- well, let me back up.

4 Is there a particular individual who is
5 always the one that counts the money?

6 A Yes.

7 Q Who is that?

8 A Usually Guy Robinson is -- he's our
9 executive host. He's usually our designated counter,
10 if he's there, which he usually is there most of the
11 time.

12 Q And is there a particular person who takes
13 the money from the entertainers?

14 A No.

15 Q Okay. So that role shifts, but they
16 usually give it to Guy Robinson, who then counts it,
17 and does he then divvy it up amongst the five people,
18 the floormen and yourself?

19 A The DJ helps him count, and we split it
20 up.

21 MR. BERNEY: I think that's all I have.

22 EXAMINATION

23 BY MR. CHAPMAN:

24 Q Are you ex-military?

25 A No, sir.

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1 Q Do you have a locker at the club?

2 A No, sir.

3 Q Do you have any place where you store
4 records of any kind?

5 A I'm not a paperwork kind of guy. I really
6 don't keep any --

7 Q Do you regularly fill out any kind of
8 paperwork at all?

9 A No, not really.

10 Q Do any of the floormen fill out any
11 paperwork?

12 A No.

13 Q When they divide the cash up, do they fill
14 out any paperwork for that?

15 A No.

16 Q What is it exactly that they're doing when
17 they divide that money up?

18 A They count the total money, and they
19 divide it by five.

20 Q Okay. So it's just purely splitting it
21 among the various employees there?

22 A Yes, sir.

23 Q The floormen?

24 A Yes, sir.

25 Q And all your work with the house moms, is

1 of a disciplinary nature; is that right? You act as
2 kind of a disciplinary figure?

3 A To the house mothers?

4 Q No. With respect to the dancers and
5 entertainers. You said you got involved only with
6 inappropriate conduct in the VIP rooms; is that
7 correct?

8 A Yes.

9 Q Is there any other interaction you had
10 with the house moms?

11 A Constantly.

12 Q I mean, do you manage them, as the night
13 manager?

14 A Yes.

15 Q They report to you?

16 A Yes.

17 Q When you say "constantly," give us some
18 examples -- some of the things you do.

19 A We communicate constantly on the radio,
20 looking for -- getting the stages covered. That would
21 probably be the primary communication that I have with
22 them throughout the night.

23 Q So you're managing getting girls on stage?

24 A Yes, sir.

25 Q And what else?

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1 A The house mothers, throughout the night,
2 that's pretty much it, unless there's a problem.

3 Q Do you deal with any intoxicated
4 entertainers?

5 A If someone is intoxicated, we have the
6 house mother take them to the back and breathalyze
7 them and send them home. And then if there's an issue
8 that needs to be spoken to, then I speak to them when
9 they're sober.

10 MR. CHAPMAN: Thank you, sir.

11 MR. DUDLEY: I just have one follow-up to
12 that.

13 FURTHER EXAMINATION

14 BY MR. DUDLEY:

15 Q Guy is no longer with Cheetah?

16 A No, he's still there.

17 Q He's still there?

18 A Yes.

19 Q Guy works for Cheetah now?

20 A Yes.

21 MR. DUDLEY: Okay. All right. Thank you.

22 MR. WARD: I've got a few questions.

23 EXAMINATION

24 BY MR. WARD:

25 Q What kind of car do you drive?

1 A A Nissan Juke.

2 Q What year?

3 A Six years old.

4 Q Six years old.

5 Now, in any 12-month period have you
6 received several hundred thousand dollars in tips from
7 the dancers at The Cheetah?

8 A I wish.

9 Q Do you know -- is that yes or no?

10 A No.

11 Q Do you know of any floorman who's received
12 several hundred thousand dollars in tips from dancers
13 in any given 12 months? Let's take the best 12 months
14 they've ever had.

15 A No.

16 Q Okay. What do you say about girls
17 alleging that collectively they've given hundreds of
18 thousands of dollars in tips to each one of you?

19 MR. DUDLEY: Objection.

20 THE WITNESS: I would say they're lying.

21 BY MR. WARD:

22 Q How badly?

23 A Offensively.

24 Q Fraudulently?

25 THE WITNESS: Yes.

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1 MR. BERNEY: Object to form.

2 MR. DUDLEY: I have some follow-ups,
3 actually.

4 FURTHER EXAMINATION

5 BY MR. DUDLEY:

6 Q Since he opened the door on your income
7 and your tips, can you tell me how much you grossed
8 from entertainers each year?

9 A No.

10 Q Can you tell me how much you claimed in
11 tips in any year on your tax returns in the last five
12 years?

13 A One to 200 a night.

14 Q Can you tell me whether you reported every
15 tip you received from entertainers on your tax
16 returns?

17 A I would take The Fifth on that question.

18 Q Well, I think your attorney, here, has
19 opened the door on that by asking you these questions.

20 MR. WARD: He's allowed to take The Fifth
21 on the individual question.

22 BY MR. DUDLEY:

23 Q So you're going to take The Fifth
24 Amendment on that, and you're not going to answer it?

25 A Correct.

1 MR. DUDLEY: Okay. That's all I have.

2
3 (Whereupon the deposition was concluded at 5:38 p.m.)
4

5 (Pursuant to Rule 30(e) of the Federal Rules
6 of Civil Procedure and/or O.C.G.A.

7 9-11-30(e), signature of the witness has
8 been reserved.)
9
10
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1 ERRATA SHEET

2 I, ROBERT 'BOB' JOHNSON, the witness herein,
 3 do hereby certify that I have read the transcript of my
 4 deposition testimony dated October 23, 2017, and the
 5 same is true and correct to the best of my knowledge
 6 with the exception of the following changes noted below,
 7 if any:

- 8 _____ 1) There are no changes noted.
 9 _____ 2) The following changes are noted:

10 Pursuant to Rule 30(7) (e) of the Federal Rules
 of Civil Procedure and/or the Official Code of Georgia
 Annotated 9-11-30 (e), both of which read in part:
 11 Any changes in form or substance which you desire to
 12 make shall be entered upon the deposition... with a
 statement of the reasons given... for making them.
 13 Accordingly, to assist you in effecting corrections,
 please use the form below:

14 Page No. _____ Line No. _____

15 Change to: _____

16 Reason for Change: _____

17
 18 Page No. _____ Line No. _____

19 Change to: _____

20 Reason for Change: _____

21
 22 Page No. _____ Line No. _____

23 Change to: _____

24 Reason for Change: _____

25

Deposition of ROBERT 'BOB' JOHNSON

Page No. _____ Line No. _____

Change to: _____

Reason for Change: _____

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Page No. _____ Line No. _____

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Reason for Change: _____

Page No. _____ Line No. _____

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Reason for Change: _____

ROBERT 'BOB' JOHNSON

Sworn to and subscribed before me,
this the _____ day of _____, 20____.

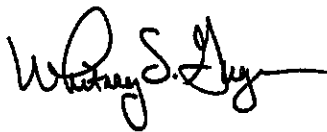
Notary Public
My commission expires:

D I S C L O S U R E

I, WHITNEY S. GUYNES, CCR, (WSG Reporting, LLC) do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, that I was contacted by the party taking the deposition to provide court reporting services for this deposition, and there is no contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7(c) of the Rules and Regulations of the Board for the taking of this deposition.

There is no contract to provide reporting services between WSG Reporting, LLC or any person with whom I have a principal and agency relationship nor any attorney at law in this action, party to this action, or party having a financial interest in this action.

Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.



Whitney S. Guyne, B-1897
November 6, 2017

C E R T I F I C A T E

G E O R G I A :

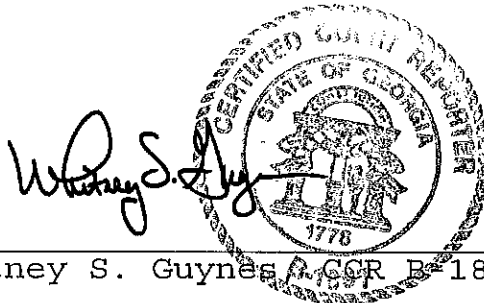
GWINNETT COUNTY

I hereby certify that the total transcript, pages 5 through 53, represent a true, complete, and correct transcript of the proceedings taken down by me in the case aforesaid (and exhibits admitted, if applicable); that the foregoing transcript is a true and correct record of the evidence given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of myself, and the signature and original seal is attached thereto.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of the actions.

This the 8th day of November, 2017.



Whitney S. Guynes, CCR B-1897

AMENDED CERTIFICATE

STATE OF GEORGIA

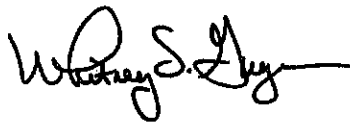
COUNTY OF GWINNETT

IN RE: ALISON VALENTE, JENNIFER BARLOW, KATHRYN
MONROE, SOPHIA SMITH, STEPHANIE LEBEAU on behalf
of themselves and all others similarly situated,
v.
INTERNATIONAL FOLLIES, INC. et al

WITNESS: ROBERT 'BOB' JOHNSON

I hereby certify that in addition to the certification made on Page 58
of the transcript, the more than thirty (30) days provided the witness to read
and sign the original transcript has expired. Therefore, the original is being
filed without signature of the witness.

This the 10th day of January, 2018



Whitney S. Guynes, CCR - B-1897

